

The foregoing ordinance was read the second time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

Councilman Steck moved that the Council recess subject to call of the Mayor. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

The Council then recessed.

Approved: 
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 27, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilman Alford, Mayor McFadden, Councilman Mueller, 3; absent, Councilmen Gillis and Steck, 2.

The Minutes of the last meetings were read and Councilman Mueller moved the adoption of same as read. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

FIFTH STREET from the west line of West Avenue to the east line of Bowie Street, known as Unit or District No. P-157;

TWELFTH STREET from the east line of Brazos Street to the west line of East Avenue, known as Unit or District No. P-160;

WEST LYNN STREET from the north line of Sixth Street to the north line of Twelfth Street, known as Unit or District No. P-161;

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or

things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing, would now be heard from, and thereupon the following persons appeared and were heard:

On Twelfth Street - District No. P-160:

J. T. Gillman stated that this is a negro neighborhood and the property will not be enhanced in value equal to the cost of paving; and further, that the street at present is in good condition and no necessity exists for the paving of same, and that if paved it will greatly increase the traffic hazard.

S. D. Burratti stated that his property on this street was cheap, negro rental property and that it would not be enhanced in value by reason of the paving.

On West Lynn Street - District No. P-161:

D. H. Burrell stated that he was not opposed to paving if all the street from Sixth to Twelfth Streets is paved, but stated that owing to the present financial depression the paving was a burden.

Carl E. Quick, Jno. L. Johnson and Miss Annie Peebles each stated that they were willing to pave if all of the street is paved, but they were not in favor of it if there were to be any skips.

George Ezelle stated that he was not financially able to pay for the cost of paving.

Eugene T. Smith, representing his mother, Mrs. J. T. Smith, stated that her property is a homestead, is non-revenue bearing, and that she is not financially able to pay for the paving; and further, that no necessity exists for the paving of the street as same is in good condition, and that the paving of same will increase the traffic hazard to the school children attending Matthews School.

The Mayor then stated that the hearing continued from the last regular meeting of August 13th on the following streets:

TWELFTH STREET from the west property line of Blanco Street to the east property line of West Lynn Street, District No. P-163;

WEST LYNN STREET from the north property line of Twelfth Street to the south property line of Enfield Road, District No. P-162;

CROCKETT STREET from the north property line of Fifth Street to the south property line of Sixth Street, District No. P-159;

FIFTH STREET from the east property line of Bowie Street to the west property line of Crockett Street, District No. P-158;

would now be opened, and thereupon the following protest was filed:

On Twelfth Street - District No. P-163:

Mack B. Moreland, and wife, Pearl Moreland, and Mrs. Bertha K. Ziller, by written protest, objected to the paving as same would not enhance the value of their property or increase the income from same; that the property will have to be sold to pay for the cost of paving; that the street is not a thoroughfare and therefore no necessity exists for the paving of same; and that owing to the present economic situation this paving is a hardship on them.

No other property owners or interested persons appearing to be heard, the Mayor announced that the hearing on each of the above streets would be continued until the next regular meeting.

Reports from Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on West Twenty-First Street from the west property line of Guadalupe Street to the east property line of Rio Grande Street, District No. P-129, and West Twenty-Third Street from the west property line of Guadalupe Street to the east property line of Rio Grande Street, District No. P-131, except that part abutting the property of S. W. Horne, on account of same's being a homestead, in accordance with the plans and specifications, and recommending the acceptance of same, were read and filed.

The Mayor then laid before the Council the following resolutions:

RESOLUTION ACCEPTING STREET
IMPROVEMENTS CONSTRUCTED BY
SOUTHWEST BITULITHIC COMPANY
ON A PORTION OF TWENTY-FIRST
STREET IN THE CITY OF AUSTIN,
PROVIDING FOR PAYMENT OF ANY
BALANCE DUE BY THE CITY FOR
ITS PORTION OF THE COSTS OF
SAID IMPROVEMENTS AND FOR THE
DELIVERY OF CERTIFICATES OF
ASSESSMENTS AGAINST ABUTTING
PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

TWENTY-FIRST STREET from the west property line of Guadalupe Street to the east property line of Rio Grande Street, known and designated as Unit or District No. P-129; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvement constructed by Southwest Bitulithic Company upon said portion of Twenty-First Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

RESOLUTION ACCEPTING STREET
IMPROVEMENTS CONSTRUCTED BY
SOUTHWEST BITULITHIC COMPANY
ON A PORTION OF TWENTY-THIRD
STREET IN THE CITY OF AUSTIN,
PROVIDING FOR PAYMENT OF ANY
BALANCE DUE BY THE CITY FOR
ITS PORTION OF THE COSTS OF
SAID IMPROVEMENTS AND FOR THE
DELIVERY OF CERTIFICATES OF
ASSESSMENTS AGAINST ABUTTING
PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, A. D. 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among

which portions of streets was the following, to-wit:

TWENTY-THIRD STREET from the west line of Guadalupe Street to the east line of Rio Grande Street, known and designated as Unit or District No. P-131;
and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of Twenty-Third Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council for its third reading the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF PORTIONS OF THIRTIETH STREET AND PORTIONS OF SUNDRY OTHER STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF COST THEREOF.

The above ordinance was read the third time and Councilman Alford moved that same be finally passed. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

A communication from L. Novy, asking that he be refunded the unearned portion of his license to operate the Crescent Theatre, was read and filed.

The Mayor then laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That on account of going out of business on July 3, 1931, the occupation license No. 4874, issued to the Crescent Theatre, be and the same is hereby revoked and can-

celled, as of date July 1, 1931; and that the sum of Eighteen and 75/100 (\$18.75) Dollars, same being one-half of the annual license fee of \$37.50 heretofore paid by L. Novy, owner of said Crescent Theatre, be and the same is hereby appropriated out of the General Fund, and is directed to be paid to said L. Novy as refund for the unearned portion of said license.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized to purchase in the name of the City from A. L. Peterson, for the sum of Two Hundred (\$200.00) Dollars, for the purpose of widening Alice Avenue, the following described property:

Beginning at a point on the west line of Marathon Boulevard, and the east or southeast line of Lot 1, Block 2, of Lee's Hill Addition in the George W. Spear League, City of Austin, Travis County, Texas, according to a map or plat of said Lee's Hill Addition, as recorded in Travis County Court Records, Plat Book 2, Page 244, and from which point of beginning the south or southeast corner of said Lot 1 bears S. 30°12' W. 1.2 feet, and also from which point of beginning a concrete monument at the intersection of the center line of West Fortieth Street and the center line of that portion of Alice Avenue that is south of said West Fortieth Street bears S. 41°05' E. 52.84 feet, to-wit: thence S. 30°12' W. 1.2 feet following the east or southeast line of said Lot 1, and the west line of Marathon Boulevard to the south or southeast corner of said Lot 1, and the north line of West Fortieth Street; thence N. 59°48' W. 12.94 feet following the north line of West Fortieth Street and the south line of said Lot 1 to the southwest corner of said lot and the east line of Georgetown Road or Alice Avenue; thence N. 3°06' E. 83.6 feet following the east line of Georgetown Road or Alice Avenue and the west line of Lots 1, 2 and 3, Block 2, of said Lee's Hill Addition, to the point of curvature of a curve whose intersection angle is 19°39', whose radius is 333.9 feet and whose tangent distance is 57.82 feet; thence in a general southeasterly direction following an arc of said curve a distance of 91.19 feet, the long chord of which arc bears S. 3°52' E. 90.91 feet to the point of the beginning containing 261 square feet of land, and being a portion of that certain tract or parcel of land which was conveyed to A. L. Peterson, according to Travis County Deed Records, Volume 352, Page 76.

BE IT FURTHER RESOLVED:

THAT the sum of Two Hundred (\$200.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund, to pay for said purchase, and that a warrant issue therefor, payable to said A. L. Peterson, and be delivered to him upon delivery by him of his warranty deed to said property.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized to purchase in the name of the City from A. L. Peterson and A. A. Peterson, for the sum of Eight Hundred (\$800.00) Dollars, for the purpose of widening Alice Avenue, the following described property:

Beginning at a point on the west line of Alice Avenue, the same being the east line of Lot 3 of M. A. Jarrell's re-subdivision of Block 5, of the H. B. Seiders Addition in the George W. Spear League, City of Austin, Travis County, Texas, according to a map or plat of said Jarrell's re-subdivision, as recorded in Travis County Court Records, Plat Book 3, Page 148, and from which point of beginning a concrete monument at the intersection of the center line of West Fortieth Street and the center line of that portion of Alice Avenue that is south of said West Fortieth Street bears S. 59°48' E. 30 feet, and N. 30°12' E. 143.52 feet, to-wit: thence in a northwesterly direction following a curve whose intersection angle is 46°45', whose tangent is 60.06 feet, and whose radius is 139.3 feet, an arc distance of 113.66 feet, the long chord of which arc bears N. 6°49' E. 110.52 feet to point of reversal of said curve; thence in a northwesterly direction following a curve whose intersection angle is 19°39', whose tangent is 68.21 feet, and whose radius is 393.9 feet, an arc distance of 15.94 feet plus the long chord of which arc bears N. 15°23' W. 15.94 feet to a point on the north line of Lot 1 of said Jarrell's re-subdivision and the south line of West Fortieth Street; thence S. 59°28' E. 55.25 feet following said north line of Lot 1 and south line of West Fortieth Street to the northeast corner of said Lot 1 and the west line of Alice Avenue; thence S. 30°12' W. 112.09 feet following said west line of Alice Avenue and the east lines of Lots 1, 2 and 3 of said Jarrell's re-subdivision to the point of the beginning, containing 1913 square feet of land and being a portion of that certain tract or parcel of land which was conveyed to A. L. Peterson and A. A. Peterson according to Travis County Deed Records, Volume 428, Page 273, Deed dated October 15, 1928.

BE IT FURTHER RESOLVED:

THAT the sum of Eight Hundred (\$800.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund to pay for said purchase, and that a warrant issue therefor, payable to said A. L. Peterson and A. A. Peterson, and be delivered to them upon delivery by them of their warranty deed to said property.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, at the third called session of the Thirty-sixth Legislature of Texas in 1920, gas utilities were subjected to regulation and control by the Railroad Commission of Texas; and

WHEREAS, the said Commission, under the authority granted by Article 6053 of that act, has exclusive original jurisdiction to fix, establish and enforce the adequate and reasonable price of gas, and the fair and reasonable rates of charges and regulations for transporting, producing, distributing, buying, selling and delivering gas by pipe lines, and to establish a fair and equitable division of the proceeds of the sale of gas between companies transporting or producing the gas and the companies distributing or selling the gas; and

WHEREAS, on August 22, 1931, funds will be made available by virtue of a special act of the Forty-second Legislature, known as House Bill No. 547, to the Railroad Commission for the purpose of making proper investigations as to the rates now being charged for natural gas in the exercise both of its original as well as its appellate jurisdiction as to gas utilities; and

WHEREAS, the Railroad Commission of Texas has exclusive original jurisdiction to fix and determine what are fair, reasonable and just rates to be charged by utilities engaged in the business of producing and transporting natural gas outside of incorporated cities; and

WHEREAS, the power that has been conferred upon the City of Austin to regulate the prices charged by the public service company that furnished the citizens of Austin with natural gas cannot be effectively exercised until appropriate regulatory measures governing the gas production and transportation lines outside of the City are adopted and properly enforced; and

WHEREAS, it is a matter of common knowledge that all rates for the production, transportation and distribution of natural gas for domestic purposes were established in Texas at a time when prices of all commodities and labor were at the highest peak that they ever reached in this State due to very abnormal conditions; and

WHEREAS, the prices of all commodities and construction and operating costs are now rapidly returning to a normal level, it is particularly imperative and urgent at this time that the Railroad Commission proceed as promptly as practicable to fix and establish such rate schedules and structures as will reflect fair, reasonable and just charges to be made by utilities engaged in the business of producing and transporting natural gas from the wells to cities and towns, in order that the cities and towns can establish fair and reasonable charges to be paid by the consumers of natural gas;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Railroad Commission of Texas is respectfully urged to proceed as soon as practicable to institute such proceedings as may be necessary in the exercise of its original jurisdiction to fix, establish and determine proper rate schedules and structures, showing fair, reasonable and just charges to be made by gas utilities engaged in the business of producing and transporting natural gas from the wells to cities and towns for domestic consumption, in order that the duty that has been imposed upon the City Council of this city to regulate the rates to be paid by its citizens for natural gas may be effectively discharged; and that the City Manager be instructed to transmit to the Railroad Commission the certified copy hereof.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

Councilman Alford moved that the work done by Joe Macken under Street Improvement Bond Fund Contract No. 52, being excavation and walls on the east side of East Avenue between Eighth and Fourteenth Streets, be accepted, in accordance with the recommendation of H. R. F. Helland, Consulting Engineer, and that the City Manager be directed to pay the final estimate on same. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

Councilman Alford moved that the work done by Klein Bros. under Street Improvement Bond Fund Contract No. 40, being Third Street Storm Sewer System east of East Avenue, be accepted, in accordance with the recommendation of H. R. F. Helland, Consulting Engineer, and that the City Manager be directed to pay the final estimate on same. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

Councilman Alford moved that the work done by Klien Bros. under Street Improvement Bond Fund Contract No. 34, being storm sewer on Barton Springs Road, ^{be accepted,} in accordance with the recommendation of H. R. F. Helland, Consulting Engineer, and that the City Manager be directed to pay the final estimate on same. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in Navasota Street, from Rosewood Avenue to East 12th Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said Navasota Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in Comal Street, from Rosewood Avenue south to east 11th Street, the center line of which gas main shall be 6 feet west of and parallel to the east line of said Comal Street. Said gas main described above shall have a cover of not less than 4 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST FORTY-SECOND STREET from Barrow Street to Caswell Avenue, the center line of which gas main shall be 21 feet south of and parallel to the north line of said East Forty-second Street. Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in WEST THIRTEENTH STREET from West Lynn Street to Charlotte Street, the center line of which gas main shall be 5 feet north of and parallel to the center line of said West Thirteenth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in WEST THIRTEENTH STREET from West Lynn Street to Lorrain Street, the center line of which gas main shall be 11 feet north of and parallel to the center line of said West Thirteenth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in WEST TWELFTH STREET from West Lynn Street to Charlotte Street, the center line of which gas main shall be 6 feet north of and parallel to the center line of said West Twelfth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in WEST ELEVENTH STREET from West Lynn Street to Charlotte Street, the center line of which gas main shall be 3 feet south of and parallel to the center line of said West Eleventh Street. Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in WEST NINTH STREET from West Lynn Street to Robertson Street, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Ninth Street. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground

utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that wherever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, the Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in TURNER AVENUE from Newning Avenue to East Side Drive, the center line of which gas main shall be 35 feet south of and parallel to the north line of said Turner Avenue. Said gas main shall have a cover of not less than 2½ feet.

(2) A gas main in PEASE ROAD from Watchhill Road to Niles Road, the center line of which gas main shall be 25 feet east of and parallel to the west line of said Pease Road. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in PARKWAY beginning at a point on the north line of West Twenty-Fourth Street and 20 feet east of the west line of Parkway.

Thence: In a southerly direction, 20 feet east of and parallel to the west line of said Parkway to the intersection of Windsor Road east. Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in WINDSOR ROAD east from Parkway southerly approximately one and one-half blocks, the center line of which gas main shall be 20 feet east of and parallel to the west line of said Windsor Road east. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in A LANE from Windsor Road east southerly approximately ½ block, the center line of which gas main shall be 14 feet west of and parallel to the east line of said A Lane. Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in WILLOW STREET from Red River Street to Waller Creek, the center line of which gas main shall be 28 feet south of and parallel to the north line of said Willow Street. Said gas main described above shall have a cover of not less than 2½ feet.

(7) A gas main in GRAHAM DRIVE beginning at a point 6 feet south of and 25 feet east of the intersection of the north line of Graham Drive and the west line of Rio Grande Street.

THENCE: In a westerly direction 6 feet south of and parallel to the north line of said Graham Drive a distance of approximately 232 feet to connect the dead end of

an existing gas main. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in ALICE AVENUE from West Forty-Third Street to West Forty-Fifth Street, the center line of which gas main shall be 10 feet east of and parallel to the center line of said Alice Avenue. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

A petition signed by the property owners in the neighborhood of Alice and Wabash Avenues and West Thirty-Eighth Streets, asking that this district be changed from Residence "A" to Commercial "C" under the Zoning Ordinance, was read and filed.

The Mayor then laid before the Council the following resolution:

WHEREAS, the owners of at least 50 per cent of the property fronting south on West Thirty-Eighth Street extending from the alley immediately west of Alice Avenue to the alley immediately east of Alice Avenue and extending north from the north line of West Thirty-Eighth Street a distance of 120 feet, and all that property fronting north on West Thirty-Eighth Street from the alley immediately west of Wabash Avenue to a point distant 130 feet east of the east line of Wabash Avenue and extending south a distance of 150 feet on the east side of Wabash Avenue and a distance of 158 feet on the west side of Wabash Avenue, have petitioned the City Council to amend the Zoning Ordinance so as to change the USE designation of said property from "A" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT; and

WHEREAS, under the terms of the Zoning Ordinance, such matters must be referred to the City Plan Commission for its consideration and action and that a public hearing be held at which opportunity shall be given the public to offer any objections to said amendment; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said matters be referred to the City Plan Commission for its consideration and report to the City Council; and that a public hearing be held thereon at the City Hall at 11:00 A. M. on Thursday, September 17, 1931, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager of the City of Austin be authorized and instructed to purchase for the consideration of \$90.00, in the name of the City of Austin for street purposes, a strip of land 568 square feet, the same being the south portion of the east 60 feet of that certain tract or parcel of land conveyed to M. E. Chernosky by the Bright Motor Company according to the record in Volume 400, Page 464, out of the Geo. W. Spear League, City of Austin, Travis County, Texas, and being situated in the junction of the old Burnet Road and West Thirty-First Street.

BE IT FURTHER RESOLVED:

That the sum of \$90.00 be and the same is hereby appropriated out of the Street Improvement Bond Fund and that warrant issue therefor to E. L. Grizzard upon the delivery by him to the City of his warranty deed.

The foregoing resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager of the City of Austin be authorized and instructed to purchase for the consideration of \$25.00, in the name of the City of Austin for street purposes, a strip of land 270 square feet, the same being the south portion of the east 60 feet of that certain tract or parcel of land conveyed to M. E. Chernosky by the Bright Motor Company according to the record in Volume 400, Page 464, out of the Geo. W. Spear League, City of Austin, Travis County, Texas, and being situated in the junction of the old Burnet Road and West Thirty-First Street.

BE IT FURTHER RESOLVED:

That the sum of \$25.00 be and the same is hereby appropriated out of the Street Improvement Bond Fund and that warrant issue therefor to Albert R. Moore and R. J. Lyles upon the delivery by them to the City of their warranty deed.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, P. Bremond has made application to the City Council for permission to widen the driveway entrance to the Jay-Bee garage located on his property at 108 East Eighth Street, said driveway to be widened from 10 feet to 19 feet, as shown on attached plan; and

WHEREAS, the City Engineer has approved the widening of said driveway;

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That P. Bremond be granted a permit to widen the driveway entrance to the Jay-Bee garage located at 108 East Eighth Street in accordance with the attached plan, the work to be done under the direction of the City Engineering Department.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, E. C. Wood and wife, Cornelia Wood, have made application to the City Council for permission to construct a commercial driveway on Congress Avenue, and two commercial driveways on The Circle, adjacent to their property which is legally described as Lot 1, Block 9, Swisher Addition; and

WHEREAS, the City Engineer has recommended the granting of said request;

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission is hereby granted E. C. Wood and wife, Cornelia Wood, to construct commercial driveways on South Congress Avenue and The Circle adjacent to their property which is legally described as Lot 1, Block 9, Swisher Addition, said driveways to be constructed according to plan 2-C-414, which plan is hereby made a part of this resolution, and under the direction of the City Engineering Department.

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, M. R. Harris has applied to the City Council for permission to construct a temporary flag-stone walk in front of his property located at 1506 Eva Street; and

WHEREAS, the City Engineer has investigated and approved the construction of said flag-stone walk;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT M. R. Harris is hereby granted the right to construct a flag-stone walk in front of his property at 1506 Eva Street, said walk to be constructed under the supervision of the Engineering Department and according to lines and grades furnished by same.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Mayor McFadden, Councilmen Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, it is estimated that receipts from Public Market stall rentals, from August 6th, 1931, to December 31st, 1931, will be in excess of \$900.00 (Nine Hundred Dollars); and

WHEREAS, it is estimated that the expense of operating the said Public Market from August 6th, 1931, to December 31st, 1931, will be \$873.64 (Eight Hundred Seventy-three and 64/100 Dollars);

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$873.64 (Eight Hundred Seventy-three and 64/100 Dollars) be and the same is hereby appropriated out of the unincumbered General Fund revenue for the purpose of defraying Public Market expenses, as follows:

Wages of Caretaker -----	\$460.97
Sand, Gravel and Dirt -----	125.00
Lumber, Brick, Cement -----	29.50
Stationery and Office Supplies---	27.00
Sundry Supplies -----	25.00
Building -----	206.17
Total -	\$873.64

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$220.00 (Two Hundred and Twenty Dollars) be and the same is hereby appropriated out of the unincumbered General Fund cash for the purpose of providing additional equipment for the Municipal Abattoir, as follows:

Hangers and Accessories for Cooler Room:
Estimated Cost ----- \$201.00

Platform Scales:
Estimated Cost ----- 19.00

The above resolution was adopted by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

Councilman Mueller moved that the City Manager be authorized to ratify transfer of Cemetery Lot No. 997, Oakwood Cemetery, from T. F. Burns to Frank C. Burns. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

Mayor McFadden moved that the Council express itself as favorable to the project of extending South Congress Avenue in a straight line through the LaPrelle Place to the city limits. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none; Councilmen Gillis and Steck absent, 2.

Councilman Alford moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilman Mueller, 3; nays, none, Councilmen Gillis and Steck absent, 2.

The Council then recessed.

Approved:

J. M. Fadden
Mayor.

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